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Remarks

Claims 1-18 were pending in the application. Claims 1-3, 6, 7, and 12-18 were rejected. Claims 4, 5, and 8-11 were withdrawn. No claims were merely objected to and no claims were allowed. By the foregoing amendment, claims 3, 7, 9, and 16 are canceled, claims 1, 2, 4-6, 10, 11, 15, 17, and 18 are amended, and claims 19-24 are added. No new matter is presented.

Election/Restrictions

Restriction was required as follows:

Species I: Fig. 2

Species II: Fig. 3

Species III: Fig. 4

Species IV: Fig. 5

Species V: Fig. 6

Applicant affirms the election of Species I, Fig. 2, claims 1, 2, 6, 10, 14, 15, and 19-24 with traverse. Traverse is on the grounds that examination of all the claims would not present an undue burden. Although separately classified, the search classes of the five groups are expected to largely, if not completely, overlap. Applicant appreciates the rejoinder of Species II and III. This adds claims 12, 13, 17, and 18 to the enlarged elected group. Accordingly, if the restriction requirement is withdrawn, claims 1, 2, 4-6, 8, 10-15, and 17-24 will be examined. If not withdrawn, claims 1, 2, 6, 10, 12-15, and 17-24 will be examined. Applicant notes that the amendment has caused claim 10 to read on the elected species.

Formalities

The foregoing amendment makes the two corrections to the claims noted in the Office action.

Double Patenting

Claims 1, 2, 6, 12, and 14-18 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 8-10 of

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Daniels et al. (US6976833). Applicant respectfully traverses the rejection.

Daniels et al. was asserted as having "separated chambers" and was further asserted that "the pressure or interaction at suction and discharge ends, there is no weight in the apparatus claims since the structure configuration does not have any connection to the inlet [sic] and outlets." Office action, page 6. As is best understood, this is a nonsequitur. Daniels et al. teaches a baffle plate bisecting a discharge chamber. However, Daniels et al. teaches no structure for maintaining a pressure difference between the bisected halves of the discharge chamber. Such would not be an obvious variation on Daniels et al.

Claim Rejections-35 U.S.C. 102

Claims 1, 2, 6, 12, and 14-18 were rejected as being anticipated by Shaw (US6217304). Applicant respectfully traverses the rejection.

As with the reference to Daniels et al., the reference to Shaw includes the cryptic sentence: "In regard to the pressure or interaction at suction and discharge ends, there is no weight in the apparatus claims since the structure configuration does not have any connection to the inlet and outlets." Office action, Page 4. This is not intelligible. Further explanation and appropriate citation is requested.

However, the incorporation of elements of claim 3 into claim 1 and claim 7 into claim 6 render this rejection moot as to claims 1 and 6 and their dependent claims. Regarding claim 15 and its dependent claims, the identified volume indices are objective dimensional properties. In a prior art three-rotor compressor, the two volume indices of the two rotor pairs would be expected to be identical. There is no suggestion in Shaw for non-identity of volume index.

New dependent claims 19 and 20 add reference to the components along the two circuits for which support is seen in FIG. 2 and the associated specification text. Similarly, claims 21-24 add references to smaller subgroups of those details. This is clearly not disclosed or suggested by Shaw.

Claims 1-3, 6, 7, and 12-18 were rejected as being anticipated by Nilsson (US2481527) or in the alternative obvious over Nilsson in view of Shaw (US5911743). Applicant respectfully traverses the rejection.

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Nilsson does appear to show a compressor with two independent paths (FIGS. 3 and 4). Use is identified compressing gas "to two different final pressures". Col. 4, line 12. No use in cooling systems or refrigeration circuits is identified and no such use should be inferred. For example, the Nilsson compressor could be used to provide two different pressures of compressed air. This is consistent with the reference to different discharge pressure because the air compressor would draw from ambient air and thus the two paths would have a common inlet pressure. By contrast, if refrigeration were envisioned, one would expect initial reference to involve different suction conditions. For example, when refrigerating two compartments at different temperatures (e.g., a freezer compartment and a non-freezing refrigeration compartment) one would have two evaporator units at their associated temperatures discharging refrigerant at different associated suction pressures. Accordingly, there is insufficient evidence that Nilsson teaches the claimed use.

The combination with Shaw is irrelevant. Shaw is cited for nothing more than the existence of refrigeration technology. Such technology predated Nilsson. If anything, the reference to different discharge pressures only of Nilsson teaches away from the combination.

Thus, there is further no suggestion in Nilsson or the asserted combination for the multiple circuits and components of a given type in claims 6 and 19-24.

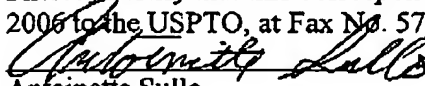
Accordingly, Applicant submits that claims 1, 2, 4-6, 8, 10-15, and 17-24 are in condition for allowance. Please charge any fees or deficiency or credit any overpayment to our Deposit Account of record.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted this 25th day of August, 2006 to the USPTO, at Fax No. 571-273-8300.


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